

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025

The following document is the minutes of the Ordinary Council meeting held **16 APRIL 2025**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Wednesday **21 MAY 2025** and therefore subject to change. Please refer to the minutes of **21 MAY 2025** for confirmation.

PRESENT

Cr Gary Lee (Mayor)
Cr Martin Ballangarry OAM
Cr David Jones
Cr Ljubov Simson
Cr Troy Vance

Cr James Angel
Cr Susan Jenvey
Cr Tamara McWilliam
Cr Jane Smith

ALSO PRESENT

Matthew Sykes (Acting General Manager)
Evan Webb (Chief Financial Officer)
Kristian Enevoldson (Manager Risk and Governance)

David Moloney (Director Engineering Services)
Daniel Walsh (Manager Development Environment)
Suzanne Sullivan (Minute Secretary)

APOLOGIES

Apologies

Bede Spannagle (General Manager)

ACKNOWLEDGMENT OF COUNTRY

I would like to acknowledge the Gumbaynggirr people who are the Traditional Custodians of this Land. I would also like to pay respect to the elders both past and present and extend that respect to any Aboriginal People present.

COUNCIL MEETING AUDIO RECORDINGS

This meeting is being webcast and those in attendance should refrain from making any defamatory statements. The Mayor and Councillors are being video recorded.

PRAYER

Pastor Hannelie Coetzee from the Nambucca Christian Life Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Nil

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DELEGATIONS & PUBLIC FORUM HELD TUESDAY 15 APRIL 2025

RECOMMENDATION

That the following delegations be heard:

Item 12.2 - Second Desktop Feasibility Study for a Bike/Pedestrian Connection between Scotts Head and Macksville

i Mr Tony Crimmins – for the recommendation

Item 12.2 - Second Desktop Feasibility Study for a Bike/Pedestrian Connection between Scotts Head and Macksville

i Mr Tony Crimmins addressed Council with speaking notes placed on SF3424 21114/2025.

93/25 **RESOLVED:** (McWilliam/Vance)

That an extension of time be granted to the speaker.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 19 MARCH 2025

94/25 **RESOLVED:** (McWilliam/Jenvey)

That the minutes of the Ordinary Council Meeting of 19 March 2025 be confirmed.

NOTICE OF MOTION - CR SIMSON

ITEM 5.1 SF3422 160425 Notice of Motion - Communication with the Environmental Protection Agency

95/25 **RESOLVED:** (Simson/Jenvey)

That Council request the Environment Protection Authority (EPA) provide an outreach and compliance report to Council that is to be presented to Councillors on a quarterly basis.

ASKING OF QUESTIONS WITH NOTICE

There were no questions with notice.

QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED

There were no questions for Closed Meeting where due notice has been received.

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GENERAL MANAGER REPORTS

ITEM 9.1	SF959	160425	Outstanding Actions and Reports
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96/25 **RESOLVED:** (Smith/Simson)

That Council notes the list of outstanding actions and reports.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1	SF3503	160425	Draft Community Strategic Plan 2025/26 to 2034/35
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97/25 **RESOLVED:** (Angel/Smith)

That Council:

- 1 Endorses the draft Community Strategic Plan “Our Valley, Our Future 2035” for public exhibition for a period of 28 days commencing on Thursday 17 April 2025.**
- 2 Add an asterix * to the bottom of each page containing "what council currently will keep doing" & "future focus". Wording that of the following nature *examples of actions, more detailed action and measurements within the Nambucca Valley Council Delivery Program.**

ITEM 10.2	SF3573	160425	Nambucca Valley Council Draft Economic Development and Tourism Strategy 2025/26 to 2029/30
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MOTION: (Jenvey/Smith)

That Council:

- 1 Approves the draft Nambucca Valley Council Economic Development and Tourism Strategy 2025/26 to 2029/30.**
- 2 Endorses the draft Nambucca Valley Council Economic Development and Tourism Strategy for public exhibition for a period of 28 days.**

AMENDMENT: (Angel/Smith)

That Council:

- 1 Approves the draft Nambucca Valley Council Council Economic Development and Tourism Strategy 2025/26 to 2029/30.**
- 2 Endorses the draft Nambucca Valley Council Economic Development and Tourism Strategy for public exhibition for a period of 28 days.**
- 3 Provides a report in 2027/2028 financial year on a review of the strategy.**

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98/25 **RESOLVED:** (Angel/Smith)

That Council:

- 1 Approves the draft Nambucca Valley Council Economic Development and Tourism Strategy 2025/26 to 2029/30.**
- 2 Endorses the draft Nambucca Valley Council Economic Development and Tourism Strategy for public exhibition for a period of 28 days.**
- 3 Provides a report in 2027/2028 financial year on a review of the strategy.**

ITEM 10.3 SF1031 160425 Revised Payment of Expenses and Provisions of Facilities to Councillors Policy - post public exhibition

99/25 **RESOLVED:** (Angel/McWilliam)

That Council approves the revised draft Payment of Expenses and Provisions of Facilities to Councillors Policy G 06.

ITEM 10.4 SF3528 160425 Investment Report for February 2025

100/25 **RESOLVED:** (Angel/Smith)

That Council:

- 1 Notes the Chief Financial Officer's report on Investments for February 2025.**
- 2 Adopts the certification of the Responsible Accounting Officer for February 2025.**

ITEM 10.5 SF3528 160425 Investment Report for March 2025

101/25 **RESOLVED:** (Jenvey/Jones)

That Council:

- 1 Notes the Chief Financial Officer's report on Investments for March 2025.**
- 2 Adopts the certification of the Responsible Accounting Officer for March 2025.**

Evan Webb left the meeting, the time being 6:30PM.

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ITEM 10.6 SF265 160425 Land Disposal Policy and Review of Land Acquisition Policy

MOTION: (Smith/McWilliam)

That Council:

- 1 Endorses the new draft Land Disposal Policy G 47 to be placed on public exhibition for 28 days.
- 2 Adopts the Land Disposal Policy G 47 at the end of the exhibition period if no submissions are received.
- 3 Notes the review of the Land Acquisition Policy G 46 with no updates required.

The motion was declared lost.

AMENDMENT: (Smith/Angel)

That Council replace the Lands Disposal Policy and develops a new Land Acquisition, Disposal and Leasing/Licensing Policy. This policy should include;

- Public Tender and Public Auctions as sale methods
- Private treaties, only permitted in special circumstances as resolved by Council
- A list of criteria to assess the acquisition/sale/lease of land
- More public awareness/consultation - including 28 day exhibition periods
- Contracts of sale and letters of offer executed by General Manager & Mayor (or acting in charge in these positions)

The amendment was declared lost.

FORSHADOWED MOTION: (Jenvey/McWilliam)

That Council:

- 1 Defer the motion
- 2 Report back on the feasibility of combining the policies
- 3 Conduct a Councillor workshop

102/25 **RESOLVED:** (Jenvey/McWilliam)

That Council:

- 1 Defer the motion**
- 2 Report back on the feasibility of combining the policies**
- 3 Conduct a Councillor workshop**

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ITEM 10.7 SF3586 160425 Aboriginal Advisory Committee Meeting

103/25 **RESOLVED:** (Ballangarry/McWilliam)

That Council:

- 1 Notes the minutes of the 18 March 2025 and 8 April 2025 Aboriginal Advisory Committee meetings.**
- 2 Approves the Terms of Reference of the Nambucca Valley Aboriginal Advisory Committee.**
- 3 Approves the Gumbaynggirr language name of Duguula Bindarray-Garri for the Committee.**

ITEM 10.8 SF963 160425 Nominations to Council Section 355 Committees of Management

104/25 **RESOLVED:** (McWilliam/Jones)

That Council:

- 1 Approves the new nominations to the following Section 355 Committees of Management as per the table in the Discussion section of the report.**
- 2 Provides the successful nominees with a copy of the Terms of Reference, Code of Conduct for Delegates, Section 355 Committee Guidelines and Volunteer Safety Handbook.**

ITEM 10.9 SF3409 160425 Minutes of the Disability Access & Inclusion Committee March 2025 Meeting

105/25 **RESOLVED:** (Jenvey/Simson)

That Council:

- 1 Notes the minutes of the Disability Access and Inclusion Committee meeting held 25 March 2025.**
- 2 Appoints Tracey Adams as Vice Chair.**
- 3 Sends an advocacy letter to the Australia Electoral Commission and other relevant parties regarding accessible voting venues and booths.**

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MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF3410 160425 February 2025 - Approved Construction Certificates, Approved Complying Developments, Development Applications Received and Complying Developments Received

106/25 **RESOLVED:** (McWilliam/Angel)

That Council notes the approved Construction Certificates, approved Complying Development Certificates, Development Applications received and Complying Development Applications received for February 2025.

ITEM 11.2 SF1148 160425 Council's Rangers' Report and Penalties Issued for February 2025

107/25 **RESOLVED:** (McWilliam/Ballangarry)

That Council notes the Rangers' impounding statistics and penalties issued for February 2025.

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF1120 160425 Grants Status Report

108/25 **RESOLVED:** (Angel/Smith)

That Council notes the Grants Status report.

ITEM 12.2 SF102 160425 Second Desktop Feasibility Study for a Bike/Pedestrian Connection between Scotts Head and Macksville

MOTION: (Smith/Simson)

That Council notes the Second Desktop Feasibility Study.

AMENDMENT: (Jenvey/Jones)

That Council:

1 Notes the Second Desktop Feasibility Study.

1 Consider the Bike/Pedestrian Connection as part of the Active Transport Strategy and any other relevant strategy.

109/25 **RESOLVED:** (Jenvey/Jones)

That Council:

1 **Notes the Second Desktop Feasibility Study.**

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- 2 Consider the Bike/Pedestrian Connection as part of the Active Transport Strategy and any other relevant strategy.
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ITEM 12.3 SF90 160425 Minutes of the Nambucca Valley Traffic Committee Meeting 1 April 2025

110/25 **RESOLVED:** (Jenvey/McWilliam)

That Council changes the:

- 1 1-hour parking zone along Ridge Street, Nambucca Heads, immediately east of the Library, to a 2-hour parking zone for 21 car bays and three motorcycle bays.
 - 2 2 x 1-hour parking bays in front of Hibiscus Dry Cleaners in River Street, Macksville to a 15-minute parking zone.
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ITEM 12.4 SF3490 160425 Minutes of the Nambucca Valley Catchments and Coastline Management Committee Meeting - 13 February 2025

111/25 **RESOLVED:** (McWilliam/Simson)

That Council:

- 1 Notes the Minutes of the Nambucca Valley Catchments and Coastline Management Committee meeting held Thursday 13 February 2025.
 - 2 Endorses that there is no longer a need to write the two letters of support to Ministers.
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ITEM 12.5 SF2278 160425 Minutes of the Clean Energy Committee Meeting -18 February 2025

112/25 **RESOLVED:** (Jenvey/Simson)

That Council notes the Minutes of the Clean Energy Committee meeting held Tuesday 18 February 2025.

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ITEM 12.6 SF3422 160425 Erosion at VWall Precinct

113/25 **RESOLVED:** (Jenvey/Smith)

That Council notes the information contained within this report in regards to erosion at the V-Wall and actions currently being undertaken by Council.

ITEM 12.7 PRF53 160425 River Street Toilet Block Relocation

114/25 **RESOLVED:** (Angel/Jenvey)

That Council:

- 1 Adopts an alternate building footprint adjacent to the western side of the existing structure within the current Car Parking area which aligns with the intent of the adopted Macksville Foreshore Concept Master Plan.**
- 2 Proceeds with detailed design activities to construct the footprint for a prefabricated amenities structure which complies with BCA requirements.**
- 3 Engages an Architect to assist with prefabricated structure selection of the proposed new amenities and report preference back to Council.**

ITEM 12.8 SF843 160425 Minutes of the Vehicular Access to Beaches Committee - 6
February 2025

115/25 **RESOLVED:** (Vance/McWilliam)

That Council notes the Minutes of the Vehicular Access to Beaches Committee meeting held Thursday 6 February 2025.

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

116/25 **RESOLVED:** (Angel/McWilliam)

- 1 That Council consider any written representations from the public as to why the Meeting should not be Closed to the public.**
- 2 That Council move into Closed Meeting to discuss the matters for the reason(s) listed below.**

Reason reports are in Closed Meeting:

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GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1	SF3420	160425	Matters Regarding Realised or Potential Losses
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It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

For Confidential Business Paper in Closed Meeting

ITEM 13.2	SF3420	160425	T2025-021 Stabilisation of Various Road Pavements
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It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

For Confidential Business Paper in Closed Meeting

ITEM 13.3	SF3420	160425	RFT 2002359A Construction of Valla Urban Growth Area Stage 1 - Civil Works
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It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

For Confidential Business Paper in Closed Meeting

ITEM 13.4	SF3420	160425	T2025-006 - Provision of Mowing & Slashing Services for Rural Sealed Road
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It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 7:51PM.

RESUME IN OPEN MEETING

117/25 **RESOLVED:** (McWilliam/Vance)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 8:07PM.

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FROM COUNCIL IN CLOSED MEETING

The Acting General Manager then read the Confidential resolutions.

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1	SF3420	160425	Matters Regarding Realised or Potential Losses
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118/25 **RESOLVED:** (Angel/McWilliam)

That Council notes the information concerning incidents where there is a realised or potential loss of funds and/or reputation.

For Confidential Business Paper in Closed Meeting

ITEM 13.2	SF3420	160425	T2025-021 Stabilisation of Various Road Pavements
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119/25 **RESOLVED:** (Angel/Smith)

That Council:

- 1 Authorises the General Manager to finalise and execute the contract and any other documentation required to give effect to this resolution for T2025-021 Road Stabilisation of Various Roads subject to the tenders being within budget.**
- 2 Updates the Contracts Register.**
- 3 A report will be presented to Council on the outcome of the procurement process.**

Upon being put to the meeting, the motion was declared carried.

For the Motion:	Councillors Angel, Ballangarry, Jenvey, Jones, Lee, McWilliam, Simson, Smith and Vance
	Total (9)
Against the Motion:	Nil
	Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 13.3	SF3420	160425	RFT 2002359A Construction of Valla Urban Growth Area Stage 1 - Civil Works
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120/25 **RESOLVED:** (Angel/McWilliam)

That Council:

- 1 Awards the contract for RFT 2002359A Construction of Valla Urban Growth Area Stage 1 - Civil Works to AJ Civil Projects Pty Ltd as trustee for (ATF) AJ Civil Trust T/A AJ Civil Projects, for the Tender Amount of \$4,716,493.07 (ex GST).**
- 2 Updates the Contracts Register.**

Upon being put to the meeting, the motion was declared carried.

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For the Motion:	Councillors Angel, Ballangarry, Jenvey, Jones, Lee, McWilliam, Simson, Smith and Vance Total (9)
Against the Motion:	Nil Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 13.4 SF3420 160425 T2025-006 - Provision of Mowing & Slashing Services for Rural Sealed Road

121/25 **RESOLVED:** (Jenvey/Angel)

That Council:

- 1 Awards contract T2025-006 Provision of Mowing & Slashing Services for Rural Sealed Roads to Justin L & Dallis M Welsh as per their submitted schedule of rates.**
- 2 Updates the Contracts Register.**

Upon being put to the meeting, the motion was declared carried.

For the Motion:	Councillors Angel, Ballangarry, Jenvey, Jones, Lee, McWilliam, Simson, Smith and Vance Total (9)
Against the Motion:	Nil Total (0)

CLOSURE

There being no further business the Mayor then closed the meeting the time being 8:11PM.

Confirmed and signed by the Mayor on **21 MAY 2025**

Cr Gary Lee
MAYOR
(CHAIRPERSON)